IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1179 OF 2007

Sheetal Sajjan Ghodke ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.S.V.Kotwal Advocate for Applicant
Mr.K.V.Saste A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 17, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in C.R.No.19 of 2007 of Vairag Police Station. The said case is under Section 302 of IPC.

3. It is the prosecution case that the applicant who is a young lady, has murdered her son aged about one and half year. The complainant is the husband of the applicant. The said FIR has been lodged by the complainant seven months after the death of the minor child. FIR has been preceded by

bitter litigation between the parties which has resulted in the complaint under Section 498-A of IPC being filed by the present applicant against her husband and in laws. She has also filed proceedings for maintenance. On the other hand, the husband has initiated divorce proceedings against the applicant.

4. In the present case the complainant has stated that on the day prior to the death of the child, the complainant and his wife (applicant) had quarrel. On the next day in the morning, the mother of the complainant saw the applicant sitting near the child and the child was dead. The post mortem which was carried out on the next day, did not show any external injuries. However, Doctor opined that cause of death was ‘asphyxia’. The applicant is a young lady. She has minor daughter who is aged about seven years.

5. The death of the minor child occurred in June, 2006. Looking to the facts of this case, I am of the opinion that at this stage, the custody of the applicant would not be necessary. Looking to the fact that there is a delay of seven months in

lodging the FIR and other facts and circumstances of this case, I am inclined to grant anticipatory bail to the applicant.

6. In the event of arrest, the applicant to be released on bail in the sum of Rs.10,000/- (Rs.ten thousand only) with one or two sureties to make up the said amount in C.R.No.19 of 2007 of Vairag Police Station. The applicant shall report to the concerned Police Station twice in a fortnight till the conclusion of trial.

7. Application is disposed of.

[Smt. V.K.Tahilramani, J.]